

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PRICEFISH, INC.,

Plaintiff,

-against-

ERIC STERN, a.k.a. Eric Arcerio, a.k.a. Eric Litchefsky,
and EFEX COMPUTERS, INC.,

Defendants.

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05 CV 2979 (ARR)(VVP)

NOT FOR
ELECTRONIC OR PRINT
PUBLICATION

OPINION AND
PRELIMINARY
INJUNCTION

ROSS, United States District Judge:

I have received the oral Report and Recommendation on the instant case dated July 5, 2005 from the Honorable Victor V. Pohorelsky. At a hearing on July 5, 2005, at which defendants failed to appear despite adequate notice, Judge Pohorelsky found, inter alia, that (1) plaintiff established irreparable harm in the absence of an injunction; and (2) plaintiff established a substantial likelihood of success on the merits under the Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d).

Consistent with Judge Pohorelsky's Report, and having conducted a *de novo* review of the record, I find that plaintiff is entitled to preliminary injunctive relief and hereby adopt the Report and Recommendation in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1). Accordingly, it is ordered that:

- (1) Plaintiff's motion to transfer ownership and title of the www.pricefish.com domain name to plaintiff pursuant to 15 U.S.C. § 1125(d) is granted;
- (2) Defendants are preliminarily enjoined from using or controlling the www.pricefish.com domain name;

- (3) Defendants, their respective officers, agents, servants, employees, and attorneys, are directed immediately to transfer ownership and title of the www.pricefish.com domain name to plaintiff; and
- (4) If defendants fail to transfer ownership and title of the domain name within three (3) business days of the issuance of this order, Register.com is directed to transfer ownership and title of the www.pricefish.com domain name to plaintiff.

SO ORDERED.

/s/ Allyne R. Ross
United States District Judge

Dated: July 22, 2005
Brooklyn, New York

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cc: Magistrate Judge Victor V. Pohorelsky